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*Attorneys for Defendants Lupin Limited  
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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA**

BAYER SCHERING PHARMA AG &  
BAYER HEALTHCARE  
PHARMACEUTICALS INC.,

Plaintiffs,

v.

LUPIN LIMITED and LUPIN  
PHARMACEUTICALS, INC.,

Defendants.

Civil Case No. 2:10-cv-1166-KJD-RJJ

**DEFENDANTS LUPIN LIMITED'S AND  
LUPIN PHARMACEUTICALS, INC.'S  
MOTION TO FILE UNDER SEAL  
CERTAIN "CONFIDENTIAL" EXHIBITS  
ACCOMPANYING THE  
SUPPLEMENTAL DECLARATION OF  
KATE M. LESCIOTTO IN SUPPORT OF  
LUPIN'S MOTION FOR SUMMARY  
JUDGMENT THAT THE CLAIMS OF  
THE U.S. REISSUE PATENT ARE  
INVALID AS OBVIOUS (DKT. 88-2)**

1 Pursuant to the Protective Order in the above-captioned case (Dkt. 17), Defendants Lupin  
2 Limited and Lupin Pharmaceuticals, Inc. (collectively, "Lupin") seek leave to file under seal  
3 certain confidential exhibits accompanying the Supplemental Declaration of Kate M. Lesciotto in  
4 Support of Lupin's Motion for Summary Judgment That The Claims Of The U.S. Reissue Patent  
5 Are Invalid As Obvious (Dkt. 88-2) ("Supplemental Lesciotto Declaration"). In support of this  
6 Motion, Lupin states as follows:

7 1. The Protective Order in this case permits each party to designate certain  
8 information produced during discovery as "CONFIDENTIAL" if the designating party  
9 reasonably believes that the information should be protected from public disclosure. (Dkt. 17 at  
10 2-3.) The Protective Order further specifies that the parties may file documents under seal under  
11 an order of this Court for cause shown. (*Id.* at 13).

12 2. Certain exhibits attached to the Supplemental Lesciotto Declaration consist of  
13 documents or contain citations to documents, that the parties have designated as  
14 "CONFIDENTIAL" in this case.

15 3. Lupin therefore seeks leave of the Court to file certain exhibits accompanying the  
16 Supplemental Lesciotto Declaration under seal.

17 4. In addition, Lupin has concurrently filed a public version of the exhibits to the  
18 Supplemental Lesciotto Declaration which redacts only those exhibits that need to remain  
19 confidential under the protective order. Specifically, Lupin seeks leave to file under seal Reply  
20 Exhibits 2 and 4.

1 Dated this 25th day of July, 2011.

2 **SANTORO, DRIGGS, WALCH,**  
3 **KEARNEY, HOLLEY & THOMPSON**

4 /s/ James E. Whitmire


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25 *Attorneys for Defendants Lupin Limited*  
26 *and Lupin Pharmaceuticals, Inc.*

27 IT IS SO ORDERED.

28   
UNITED STATES MAGISTRATE JUDGE  
DATE: JULY 26, 2011

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